IN THE HIGH COURT OF JUDICATURE
AT BOMBAY
APPELLATE CIVIL JURISDICTION

FIRST APPEAL NO.93 OF 2006
WITH
CIVIL APPLICATION NO.1120 OF 2006

Smt.Ashiya Begum Mohd. Hanif ...Appellant(Org.Pltf.)
Vs.
Israil Nasibdar Khan ...Respondent

Mr.Anil R. Mishra for Appellant
None for Respondent

CORAM: SMT. ROSHAN DALVI, J.
DATED: 12TH APRIL, 2007

P.C.

1. The Plaintiff has sued the Defendant on the basis that the Plaintiff is the owner and in exclusive use, occupation and possession of censused suit structure. The Plaintiff has sought to protect her possession under prayer clause (a) of the Plaint. The Plaintiff has sought relief against the Defendants for vacating the suit premises under prayer clause (b) of the Plaint and a further relief not to dispossess her from the suit premises under prayer (c).

2. Upon the evidence led before the learned trial Judge, he has concluded that the Plaintiff and Defendant are in joint possession. Hence, the Plaintiff's case of exclusive possession has been dismissed. No relief in such a case can therefore, be granted to the Plaintiff. The Suit is correctly dismissed. Appeal dismissed.

3. Civil Application No.1120 of 2006 disposed off accordingly.

(SMT.ROSHAN DALVI, J.)